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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,853	12/29/1999	CHERYL LANIER	FDC-0143-PUS	1543
22045	7590	07/13/2005	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			KYLE, CHARLES R	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/473,853	LANIER ET AL.	
	<b>Examiner</b> Charles Kyle	<b>Art Unit</b> 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 April 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 10 and 11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 10 and 11 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Specification*

The amendment filed April 27, 2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The amended text in the paragraph beginning at page 3, line 5, "the information presented by the check writer".

Applicant is required to cancel the new matter in the reply to this Office Action.

### *Claim Rejections - 35 USC § 103*

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 10 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' prior art admission regarding identification of excluded persons at page 1-3 of the Specification in view of US 6,609,104 *Deaton et al*

**Regarding Claim 10,** Applicants' admissions of prior art disclose the invention substantially as claimed, including a method for cashing a check presented by an individual in a casino, the steps of:

providing an exclusion list database for casinos (Page 2, lines 6-7), wherein the exclusion list database stores a list of individuals to be excluded from cashing

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checks (Page 1, lines 14-20) and at least one checking account identifier for each individual of the list of individuals (Page 1, lines 18-25; Page 2, line 25 to Page 3, line 3, line 4);

receiving a check presented by an individual for cashing (Page 2, lines 18-20);

identifying an identifier associated with the individual presenting the check (Page 2, lines 25-30);

comparing the checking account identifier associated with the individual presenting the check with the at least one checking account identifier for each individual of the list of individuals stored in the exclusion list to determine whether the individual presenting the check is an individual to be excluded from cashing checks, wherein the individual presenting the check is determined to be an individual to be excluded from check cashing if the checking account identifier associated with the individual presenting the check matches a checking account identifier stored in the exclusion list database (Page 2, line 27 to Page 3, line 4);

preventing the presented check from being cashed if it is determined that the individual presenting the check is an individual to be excluded cashing checks (Page 3, lines 2-4; it would be nonsensical to cash a check after the person is identified as listed on the exclusion list); and

cashing the presented check if it is determined that the individual presenting the check is not an individual to be excluded from cashing checks (Page 2, lines 12-24; it would also be nonsensical to not cash a check for a person not excluded).

Applicants' admissions, as amended, do not disclose automated elements whereby a POS device scans a MICR code on a check to identify a checking account identifier associated with the individual presenting the check and transmitting the identifier to a host computer. *Deaton* discloses a POS device scanning a MICR code on a check (Col. 8, lines 8-32; Fig 2C) to identify a checking account identifier (Col. 8, line 57 to Col. 9, line 11) associated with the individual presenting the check (Col. 12, lines 12-31) and transmitting the identifier to a host computer (Col. 4, line 65 to Col. 55, line 11) and comparison of MICR data to identification in an approval database (Col. 24, line 35 to Col. 25, line 25). See also Col. 21, line 62 to Col. 25, line 25. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the manual method for identification of an excluded person disclosed by Applicants' admissions to be performed using the automated elements of *Deaton* because this would make the process more accurate and faster. A goal of simple and accurate check approval, (i.e., simple and accurate customer identification using a unique identifier) is specifically set out by *Deaton* at Col. 5, line 53 to Col. 6, line 10, as follows:

*The check transaction processing system of the present invention enables a store with a significant volume of check transactions to accumulate and process transactional customer information for check verification and customer profiles for target marketing. The system operates at the store using a local database of customer information useful in that store's business.*

*A customer's bank checking account number provides a unique identification for that customer--using this check ID, a customer record is created and included in the local customer database. The customer record includes an assigned customer verification status, as well as selected transactional data. Customer*

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*status designations include POSITIVE, NEGATIVE and CAUTION, while transactional data includes transaction frequency and dollar volume over given intervals (such as Day/Week/Total or DWT). Selected transactional (CALL MANAGER) limits are assigned to both CAUTION and POSITIVE status. This customer information (customer status and transactional data) in the customer database is continuously updated (a) on a local basis through either processing check verification requests, or inputting customer status, and (b) in the case of a multiple store business, on a global basis through inter-store transfers of selected customer information (such as CAUTION and NEGATIVE status information).*

The Examiner notes that this accuracy of processing disclosed by *Deaton* is the same characteristic disclosed as desirable by Applicants at page 3, lines 5-9.

**Concerning Claim 11,** Applicants' admissions do not specifically disclose an additional check acceptance program. *Deaton* discloses an additional check acceptance program at Col. 12, lines 22-34. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method disclosed by Applicants' admissions to include an additional check acceptance program because this would provide a "back-up" method to identify excluded persons. If the primary acceptance program were unavailable, the additional program would continue to provide identification of excluded persons. Redundancies make for reliability.

#### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kyle whose telephone number is (571) 272-6746. The examiner can normally be reached on 6:30 to 3:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

crk  
July 8, 2005

Examiner Charles Kyle

